

MR2919-9/C

Serial Number: 10/716,544

Reply to Office Action dated 12 December 2007

**RECEIVED
CENTRAL FAX CENTER**

JUN 12 2008

IN THE CLAIMS:

This Listing of Claims will replace all prior versions, and listings, of claims
in the subject Patent Application:

Listing of Claims:

1-42. (Canceled).

43. (Currently amended) An apparatus for dynamically allocating a data
rate for wireless communication, comprising:

a first transceiver; and

a second transceiver,

the first transceiver including means for transmitting first
communication data at a first power level and a first data rate to said second
transceiver,

the second transceiver including:

second means for receiving the first communication
data;

second means for sensing a received power level of the
received first communication data;

second means for transmitting second communication
data at a second power level and a second data rate to said first transceiver; and

MR2919-9/C

Serial Number: 10/716,544

Reply to Office Action dated 12 December 2007

second means for determining the second data rate at which to transmit the second communication data, said second data rate determined based upon the received power level of the received first communication data to be ~~adaptively-adjustable~~ adjusted in dynamic manner responsive to a distance directly between said first and second transceivers, said second data rate being different from the first data rate.

44. (Currently amended) A method of dynamically allocating a data rate for wireless communication between a first transceiver and a second transceiver comprising the steps of:

transmitting communication data at a first power level and a first data rate from a first transceiver to a second transceiver;

receiving the communication data at the second transceiver;

sensing the received power level of the received communication data;

determining a second data rate different from the first data rate at which to transmit other communication data, said second data rate determined based upon the received power level of the received communication data to be ~~adaptively-adjustable~~ adjusted in dynamic manner responsive to a distance directly between the first and second transceivers; and

MR2919-9/C

Serial Number: 10/716,544

Reply to Office Action dated 12 December 2007

transmitting the other communication data at the second data rate and a second power level, from the second transceiver to the first transceiver; and further including the steps of:

receiving the other communication data at the first transceiver.

45. (Previously presented) The method according to claim 44 wherein the second power level is different than the first power level.

46. (Currently amended) A method of dynamically allocating a data rate for wireless communication between a first transceiver and a second transceiver comprising the steps of:

transmitting communication data at a first power level and a first data rate from a first transceiver to a second transceiver;

receiving the communication data at the second transceiver;

sensing the received power level of the received communication data;

determining a second data rate different from the first data rate at which to transmit other communication data, said second data rate determined based upon the received power level of the received communication data to be adaptively-adjustable adjusted in dynamic manner responsive to a distance directly

MR2919-9/C

Serial Number: 10/716,544

Reply to Office Action dated 12 December 2007

between the first and second transceivers, and wherein said step of determining occurs without the occurrence of a specific request for a data rate change; and

transmitting the other communication data at the second data rate and a second power level, from the second transceiver to the first transceiver; and further including the step of:

receiving the other communication data at the first transceiver.

47. (Previously presented) The method according to claim 46 wherein the second power level is different than the first power level.

48. (Previously presented) The apparatus according to claim 43 wherein the second data rate is chosen from one of a plurality of predetermined data rates.

49. (Currently amended) The method according to claim 44 wherein the steps of sensing the received power level of the received communication data and determining the second data rate are performed by the second transceiver.

50. (Currently amended) The method according to claim 44 wherein the step of transmitting the other communication data will transmit at the second data rate that is chosen from one of a plurality of predetermined data rates.

MR2919-9/C

Serial Number: 10/716,544

Reply to Office Action dated 12 December 2007

51. (Previously presented) The method according to claim 46 wherein the steps of sensing and determining are performed by the second transceiver.

52. (Previously presented) The apparatus according to claim 43, wherein each of the means for transmitting data transmits using the 5.725-5.825 GHz band.

53. (Previously presented) The apparatus according to claim 43, wherein each of the means for transmitting the data transmits using one of the 5.25-5.35 GHz and 5.15-5.25 GHz bands.

54. (Previously presented) The apparatus according to claim 43, wherein the first power level is greater than the second power level.